

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:15-CV-00061-F

TRIANGLE GRADING & PAVING, INC.,)
United States of America for the Use and)
Benefit of the foregoing,)
Plaintiff,)

v.)

ORDER

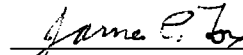
UNIVERSAL CONSTRUCTION CO., INC.,)
d/b/a Turner Universal, d/b/a Turner)
Construction Company, et al.,)
Defendants.)

This matter is before the court *sua sponte*. On May 27, 2015, Universal Construction Company (“Universal”) filed a Third-Party Complaint [DE-20] against Palmetto Civil Group, LLC (“Palmetto”). Palmetto was served on August 3, 2015, rendering its answer due on August 24, 2015. Aff. Service [DE-28]. After Palmetto failed to answer, Universal filed a Motion for Entry of Default [DE-29] on August 28, 2015. The response deadline for the Motion for Entry of Default was September 22, 2015. Palmetto did not respond. However, on September 10, 2015, Attorney H.M. Whitesides, Jr., filed a Notice of Appearance [DE-35] on behalf of Palmetto, and on September 11, 2015, nearly four months after Universal’s Third-Party Complaint was filed, Palmetto filed its Answer [DE-37]. The court notes that, in addition to failing to respond to Universal’s Motion for Entry of Default, Palmetto has also neglected to move for leave to extend the time for filing its Answer pursuant to Rule 6(b)(1)(B) of the Federal Rules of Civil Procedure.

Because Palmetto has now appeared in this action, Universal's Motion for Entry of Default [DE-29] is DENIED. Palmetto is ORDERED to file, within fourteen (14) days of the filing date of this order, a motion to extend time to file its Answer, pursuant to Rule 6(b)(1)(B) of the Federal Rules of Civil Procedure. Palmetto is warned that the failure to timely file such a motion, or the failure to demonstrate "excusable neglect," will result in the court's refusal to consider Palmetto's untimely Answer.

SO ORDERED.

This, the 2 day of December, 2015.



JAMES C. FOX
Senior United States District Judge